

REMARKS

Applicant appreciates the thorough review that the Examiner has provided the instant application and provides the following remarks to accompany the above amendments.

Initially, Applicant notes that the Patent Office believes that Figure 2 of the drawing corrections does not show data collectors 52b-52d. Applicant believes that their presence is reasonably inferable from the ellipsis in the row below. However, to further clarify the matter, Applicant herein submits a revised Figure 2 with the data collectors 52b-52d explicitly shown thereon.

The Patent Office objects to the Abstract for failure to correspond to the claimed invention. Applicant herein submits a replacement abstract, which more closely corresponds to the claimed invention.

Claims 2-15, 19-22, 24, and 26-28 were rejected under 35 U.S.C. § 112 for being indefinite. Specifically, several terms did not have antecedent basis, or an acronym was not clear. While Applicant disagrees about the clarity of the acronym and the lack of antecedent basis, Applicant amends claims 2, 9, 19, and 24 to clarify issues. The scope of the claims has not changed by virtue of this amendment, but clarification is provided.

Claims 2-15, 19-22, 24, and 26-28 were rejected under 35 U.S.C. § 103 as being unpatentable over Jorgensen. Applicant notes that Jorgensen was filed after the filing date of the present application and thus, is not, on face, prior art. Applicant further notes that Jorgensen claims priority to a provisional application filed 10 July 1998. Thus, only if the provisional application includes the subject matter cited in the Office Action would the reference facially be prior art. If the Patent Office believes that the provisional application does include the subject matter cited in the Office Action, and is relying on the filing date of the provisional application for the rejection, Applicant requests that the Patent Office provide a copy of the provisional application for Applicant's review so Applicant can determine the validity of the Patent Office's position. Applicant appreciates the phone conversation with Examiner Rudy on 11 March 2003 when this issue was discussed. Examiner Rudy indicated that he would look for a copy of the provisional application that forms the priority document and forward the same to Applicant if it was available. However, as of this writing, the document had not been located.

At present, because the claims are rejected over a reference that is not, in fact, prior art, the claims are allowable over the rejection. Applicant reserves the right to address the merits of the reference if and when the priority of the subject matter used from the reference in the rejection is proven.

During the interview of 26 August 2002, the Examiner asked for proof that the acronyms used in the specification were well understood and that the amendments that expanded the acronyms were not new matter. Applicant herein includes the declaration of John Yoakum addressing this point.

Applicant requests reconsideration of the objections and rejections in light of the remarks and amendments contained herein and claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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